IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE A.K.BASHEER

FRIDAY, THE 16TH NOVEMBER 2007 / 25TH KARTHIKA 1929

WP(C).No. 6634 of 2007(M)

PETITIONER:

K.N.SATHEES,
OVERSEER HIGHER GRADE,
KERALA AGRICULTURAL UNIVERSITY ENGINEERING
SUB DIVISION, POOKOT, WAYANAD DISTRICT.

BY ADV. DR.K.P.SATHEESAN
SRI.K.K.GOPINATHAN NAIR
SRI.M.R.JAYAPRASAD
SRI.K.K.RAJEEV

RESPONDENTS:

1. KERALA AGRICULTURAL UNIVERSITY,
REPRESENTED BY ITS REGISTRAR,
KERALA AGRICULTURAL UNIVERSITY P.O.,
VELLANIKARA, THRISSUR.

2. THE REGISTRAR,
KERALA AGRICULTURAL UNIVERSITY,
VELLANIKARA, THRISSUR.

3. M.K.DEVARAJ KURUP
OVERSEER GRADE I (HIGHER GRADE)
KERALA AGRICULTURAL UNIVERSITY
ENGINEERING DIVISION
PANANGAD
(Additional respondent no.3 impleaded as per
order dated 13.3.07 in I.A. 3767/07)

BY ADV. SRI.S.P.ARAVINDAKSHAN PILLAY
SMT.N.SANTHA
SRI.K.A.BALAN
SRI.PETER JOSE CHRISTO
SRI.S.A.ANAND
ADV.SRI.RANJITH THAMPAN, SC, KERALA AGRI.UTY.

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 16/11/2007, THE COURT ON 16/11/2007 DELIVERED THE FOLLOWING:

A.K.BASHEER, J.

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W.P.(C)No.6634 OF 2007

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Dated this the 16th day of November 2007

JUDGMENT

Petitioner who is stated to be working as Overseer (Higher Grade) in the Engineering Sub Division at Pookot in Wayanad District under the Kerala Agricultural University has got a grievance that he is being denied promotion to the post of Assistant Engineer (Civil) without any valid or justifiable reasons. According to the petitioner, he is a Diploma holder in Civil Engineering and therefore he is entitled to be promoted. It is his further case that in the category of Diploma holders in Civil Engineering he is the senior most.

2. I do not propose to deal with the merit of any of the contentions raised by the petitioner in this writ petition at this stage, in view of the limited prayer made by his learned counsel at the Bar. It is contended by the learned counsel that two vacancies of Assistant Engineer (Civil) now do exist in the University, against one of which he can be easily accommodated. The said two vacancies, have arisen

consequent to the grant of leave without allowance to Sri.C.K.Nazarudeen and Sri.Anilkumar for 5 years and 4 years respectively. Learned counsel submits that these two vacancies have not yet been filled up by the university so far. He prays for a direction to respondent no.2 to keep in view the above two vacancies while considering Ext.P7 representation.

3. In view of the limited prayer made by the learned counsel for the petitioner at the Bar, I am satisfied that this writ petition can be disposed of without adverting to the contentions or considering their merit. Learned Standing Counsel for the University submits that an appropriate decision on Ext.P7 will be taken expeditiously, if it has been preferred by the petitioner as contended.

4. In the above facts and circumstances, writ petition is disposed of with a direction to respondent no.2 to consider and pass orders on Ext.P7 strictly on its merit and in accordance with law, as expeditiously as possible, at any rate

within two months from the date of receipt of a copy of this judgment. Needless to mention that respondent no.2 shall afford sufficient opportunity of hearing to the petitioner, respondent no.3 and all others who are likely to be affected by any order that may be passed by him. While taking a decision on Ext.P7, respondent no.2 shall keep in view the two vacancies referred to above and a decision on the eligibility of the petitioner for promotion to one of the two vacancies shall be taken on its merit.

Writ petition is disposed of as above.

(A.K.BASHEER, JUDGE)

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